

Introduced by Senator Vincent

February 18, 2005

An act to add Chapter 21 (commencing with Section 9892) to Division 3 of the Business and Professions Code, relating to traveling carnivals.

LEGISLATIVE COUNSEL'S DIGEST

SB 495, as introduced, Vincent. Traveling carnivals.

The Amusement Rides Safety Law provides for the regulation of amusement rides by the Division of Occupational Safety and Health of the Department of Industrial Relations.

This bill would require traveling carnivals operating amusement rides to report certain injuries of users of an amusement ride to the Department of Consumer Affairs and to provide a copy of the report to the injured person. The bill would impose various other requirements on traveling carnivals relative to the safe operation of amusement rides and training of personnel. Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. Chapter 21 (commencing with Section 9892) is added to Division 3 of the Business and Professions Code, to read:

CHAPTER 21. TRAVELING CARNIVALS

9892. The Legislature finds and declares all of the following:

(a) Traveling carnivals provide entertainment and recreation to millions of Californians.

(b) This entertainment is affordable and usually occurs at fairs and open space close to population centers.

(c) Traveling carnivals travel long distances and work long hours to provide this service at an affordable price.

(d) It is essential that carnival equipment is appropriately maintained and that carnival personnel are appropriately trained to operate the equipment.

(e) It is appropriate to enact laws promoting and protecting the public safety and welfare relative to traveling carnivals.

9892.1. As used in this chapter, the following terms have the following meanings:

(a) "Traveling carnival" means a person who owns or operates transportable amusement rides, and who transports, assembles, and disassembles those rides.

(b) "Amusement ride" means a transportable mechanical device that carries or conveys passengers along, around, or over a fixed or restricted route or course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement.

(c) "Operator" or "owner" means a person who owns or controls, or has the duty to control, the operation of an amusement ride.

9892.2. This chapter does not apply to permanent amusement rides or amusement parks.

9892.3. A traveling carnival shall operate amusement rides in compliance with all state and federal laws and regulations.

9892.4. A person who is injured on an amusement ride to the extent that medical attention for the injury is required shall notify the operator.

1 9892.5. A traveling carnival who is notified of an injury
2 pursuant to Section 9892.4 shall report the injury to the
3 department and send a copy of the injury report to the injured
4 person.

5 9892.6. (a) A first violation of this chapter by a traveling
6 carnival or an operator is an infraction. To the extent a violation
7 of this chapter continues for a second or subsequent day, it shall
8 be considered as a separate infraction.

9 (b) A second or subsequent violation of this chapter by a
10 traveling carnival or operator is a misdemeanor. To the extent a
11 second or subsequent violation of this chapter continues for a
12 second or subsequent day, it shall be considered as a separate
13 misdemeanor.

14 SEC. 2. No reimbursement is required by this act pursuant to
15 Section 6 of Article XIII B of the California Constitution because
16 the only costs that may be incurred by a local agency or school
17 district will be incurred because this act creates a new crime or
18 infraction, eliminates a crime or infraction, or changes the
19 penalty for a crime or infraction, within the meaning of Section
20 17556 of the Government Code, or changes the definition of a
21 crime within the meaning of Section 6 of Article XIII B of the
22 California Constitution.